IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Mr. JUSTICE V.ESWARAIAH

WRIT PETITION No. 17061 of 2003

Between

Md.Khaja, S/o. Md. Boran Sab,Muslim aged about 48 years, Occupation: Driver, R/o.1-5-451,Bakaram,Musheerabad,Hyderabad.

.... PETITIONER

AND

The Depot Manager, APSRTC, Hyderabad-I Depot, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of a writ of mandamus declaring the action of the respondent in not considering petitioner's representation dt.7.6.2003 and consequently direct the respondent to consider petitioner's representation dt.7.6.2003 requesting the respondent to reinstate the petitioner into service.

CONTEMPT CASE No.534 of 2004

Contempt Case U/s. 10 and 12 of Contempt of Courts Act to punish the Respondent herein for violating, disobeying the Order of the High Court dated 17-10-2003 in WP No.17061/2003.

Between:

Md. Khaja, S/o Md. Boran sab, R/o 1-5-451, Bakaram,
Musheerabad, Hyderabad.

..... PETITIONER.

AND

Sri M. Sairambabu, Hyderabad -I Depot, A.P.State Road Transport Corporation,Tarnaka, Hyderabad.

.....RESPONDENT.

Counsel for the Petitioner : Mr.V.RAJAGOPAL REDDY.

Counsel for the Respondent : Mr.K.HARINATH, S.C. FOR APSRTC

The Court made the following :

COMMON ORDER:

The petitioner was appointed as a Driver in A.P.S.R.T.C. While in service, he was subjected to medical test and was made to retire from service with effect from 5-12-2001 by proceedings dated 6-12-2001 issued by the respondent herein.

It is the case of the petitioner that he underwent medical test at Sarojini Devi Eye Hospital for both the eyes and the Doctor certified that his sight is normal and he has a perfect vision, but he was pressurised to retire from service on medical grounds. Therefore, he made an application dated 7-6-2003 before the respondent seeking reinstatement setting aside the proceedings dated 6-12-2001.

This Court, by interim order dated 17-10-2003 in W.P.M.P. No.21193 of 2003, having regard to the peculiar facts and circumstances of the case, directed the respondent to consider the case of the petitioner for alternative employment under the scheme created by the Corporation within a period of two months from the date of receipt of a copy of the said order.

Learned Standing Counsel for APSRTC submits that the case of the petitioner was

considered for alternative employment and on the recommendations of the Regional Manager, the Vice-Chairman & Managing Director examined the matter and passed the following order on 8-4-2004.

> As per the interim order of Hon'ble High Court, the case of the petitioner has to be considered for alternative appointment post as per scheme of the Corporation. As per scheme the petitioner to be sent for medical examination to ascertain whether he is fit for the post of Cleaner. If he is found fit he should be included in the Regional seniority list of medically unfit drivers to be provided with alternative post of Cleaner against 10% quota as per his turn in the seniority list. If it is not possible to provide him alternative post, proceedings may be issued indicating his serial number of the seniority list.

In pursuance of the said order, the petitioner was called to attend the office of the Regional Manager and he was directed to undergo medical examination. The Medical Officer certified that the petitioner is fit for A2 category post i.e., Shramik. It is stated that as per the Circular instructions under the scheme for providing employment for the medically unfit drivers, 10% quota has been earmarked and their cases will be considered for appointment under the scheme. Accordingly, proceedings dated 18-5-2004 were issued to the petitioner informing that his name was registered for providing alternative employment. He also submits that at least three months time may be given to appoint the petitioner in the alternative post as the petitioner will be paid salary even during the interregnum period.

Having regard to the facts and circumstances of the case, the respondent is directed to appoint the petitioner within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

In view of the fact that the respondent has already considered the case of the petitioner and registered his name for providing alternative employment, the Contempt Case is closed.

28th July 2004. **(V.ESWARAIAH, J.)**

ARS

To

1.The Depot Manager, APSRTC, Hyderabad-I Depot, Hyderabad.

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